

## REMARKS

The rejection of claims 1 20 under 35 USC 112, first paragraph as based on a disclosure that is not enabling is respectfully traversed.

The examiner has stated that "The applicant recites a method, wherein increasing the fin thickness while the gate is isolated from the set of fins by the gate cover".

Applicant agrees with this statement.

The examiner goes on to state:

"The subject matter of the claims is drawn to a method of fabricating a FinFET. However, the only steps recited are to the processes. No steps are provided coupling this process with the formation of the increasing of the fit thickness. The specification not described the method of increasing the fin thickness."

The examiner's assertion in the previous paragraph is incorrect. The method of increasing the fin thickness is illustrated in paragraph 63 on page 17 of the specification, reproduced below.


[0063] Figure 10A shows the result of an epitaxial (epi) growth that expands the fins 30. After clearing the conformal nitride 62, 34 the oxide on the fin sidewalls 30 is removed by wet etch (HF), then the fins are grown wider using selective silicon or silicon-germanium epitaxy to produce material 65, shown as filling the aperture between oxide blocks 50 and surrounding fins 30. The epitaxial growth also occurs on the upper portion of the gate conductor, where poly is exposed. Epitaxial fill 65 is shown as being at the same level as the top of oxide 32 on fins 30, but the height is not critical. Epi 65 may be only partly overlapping vertically oxide caps 32.

Applicant firmly maintains that the underlined passage in paragraph 63 gives sufficient information to enable a worker of ordinary skill in the art to produce an increased thickness of the fins, since epitaxial deposition is a standard process step in the art.

Applicant's attorney reminds the examiner that if he persists in his rejection, he must support his assertion by a demonstration that one skilled in the art would not be capable of performing such a standard step of epitaxial deposition.

For the foregoing reasons, allowance of the claims is respectfully solicited.

Respectfully submitted,

by:   
Eric W. Petraske, Attorney  
Registration No. 28,459  
Tel. (203) 798-1857